

JOE BEN CONLEY,)
)
Plaintiff,)
)
v.) CASE NO. 1:17-CV-571-WKW
) [WO]
MIKE SCHMITZ, *et al.*,)
)
Defendants.)

On February 27, 2018, the Magistrate Judge filed a Recommendation (Doc. # 11) to which no timely objections have been filed. Upon an independent review of the record and upon consideration of the Recommendation, it is ORDERED that:

1. The Magistrate Judge's Recommendation (Doc. # 11) is ADOPTED;
2. Plaintiff's challenges to the validity of his 2017 drug possession conviction entered against him by the Circuit Court for Houston County are DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) as such claims are not properly before the court at this time;
3. Plaintiff's *respondeat superior* claim against Defendants Mike Schmitz, Mike West, Steve Parrish, and Ray Mock are DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);

4. Plaintiff's state law claims are DISMISSED without prejudice pursuant to 28 U.S.C. § 1367(c)(3);
5. This case is DISMISSED without prejudice prior to service of process pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

A final judgment will be entered separately.

DONE this 9th day of April, 2018.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE